



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

April 15, 2010

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**Senate File 2366**, an Act relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions.

The above Senate File is hereby approved this date.

Sincerely,

  
Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





Senate File 2366

AN ACT

RELATING TO PUBLIC FUNDING AND REGULATORY MATTERS AND MAKING, REDUCING, AND SUPPLEMENTING APPROPRIATIONS FOR EXPENDITURES IN THE FISCAL YEAR BEGINNING JULY 1, 2009, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ADMINISTRATION AND REGULATION

Section 1. ELDERLY AND DISABLED TAX CREDIT. After applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriation made for the following designated purpose, there is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.39, to supplement the amount appropriated in 2009 Iowa Acts, chapter 179, section 9, subsection 2, paragraph "d":

..... \$ 1,426,000

Sec. 2. Section 8A.504, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. If the alleged liability is owing and payable to a community college and setoff pursuant to this section is sought, both of the following shall apply:

(1) In addition to satisfying other applicable setoff procedures established under this subsection, the community college shall prescribe procedures to permit a person to contest the amount of the person's liability to the community college. Such procedures shall be consistent with and ensure the protection of the person's right of due process under Iowa law.

(2) The collection entity shall, except for the procedures prescribed pursuant to subparagraph (1), prescribe any other applicable procedures concerning setoff as provided in this subsection.

Sec. 3. FORMER MERCY CAPITOL FACILITIES. The department of administrative services may sell fixtures, equipment, or other items remaining at the former Mercy capitol facilities that the department has determined will not be retained for use by the state. Any proceeds realized from the sale of the fixtures, equipment, or other items are appropriated to the department to be used for the costs of occupying and operating the facilities.

DIVISION II  
JUSTICE SYSTEM

Sec. 4. DEPARTMENT OF CORRECTIONS. After applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. For the operation of adult correctional institutions in 2009 Iowa Acts, chapter 178, section 3, subsection 1, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "a":

..... \$ 764,048

b. For the operation of the Anamosa correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "b":

..... \$ 543,179

c. For the operation of the Oakdale correctional facility in

2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "c":  
..... \$ 2,650,762

d. For the operation of the Newton correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "d":  
..... \$ 526,181

e. For the operation of the Mt. Pleasant correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "e":  
..... \$ 415,980

f. For the operation of the Rockwell City correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "f":  
..... \$ 108,833

g. For the operation of the Clarinda correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "g":  
..... \$ 451,752

h. For the operation of the Mitchellville correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "h":  
..... \$ 169,416

i. For the operation of the Fort Dodge correctional facility in 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph "i":  
..... \$ 200,000

2. For the judicial district departments of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, to be allocated as follows:

a. For the first judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "a":  
..... \$ 110,275

b. For the second judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "b":  
..... \$ 308,214

c. For the third judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "c":  
..... \$ 18,010

d. For the fourth judicial district department of

correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "d":

..... \$ 76,117

e. For the fifth judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "e":

..... \$ 790,020

f. For the sixth judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "f":

..... \$ 302,810

g. For the seventh judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "g":

..... \$ 24,923

h. For the eighth judicial district department of correctional services in 2009 Iowa Acts, chapter 178, section 5, subsection 1, paragraph "h":

..... \$ 400,850

Sec. 5. STATE PUBLIC DEFENDER. After applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriation made for the following designated purposes, there is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815, in 2009 Iowa Acts, chapter 178, section 10, subsection 2:

..... \$ 10,900,000

Sec. 6. DEPARTMENT OF PUBLIC DEFENSE. After applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations

made for the following designated purposes:

1. MILITARY DIVISION

For salaries, support, maintenance, and miscellaneous purposes, in 2009 Iowa Acts, chapter 178, section 13, subsection 1:

..... \$ 526,202

2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, and miscellaneous purposes in 2009 Iowa Acts, chapter 178, section 13, subsection 2:

..... \$ 61,614

Sec. 7. 2009 Iowa Acts, chapter 172, section 1, subsection 1, as amended by 2009 Iowa Acts, chapter 179, section 66, is amended to read as follows:

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2009; and maintenance, equipment, and miscellaneous purposes:

..... ~~\$160,184,957~~  
148,811,822

As a condition of receiving an increase to the appropriation made in this section, the judicial branch shall allocate the first \$5,400,000 of the increased amount as follows: \$4,800,000 for the state's required contribution under section 602.9104 to the judicial retirement fund, \$350,000 for court debt collection, and \$250,000 for judicial officer and court employee travel reimbursement for civil trials.

Sec. 8. REVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of corrections and to the department of inspections and appeals for the office of the state public defender that remain unencumbered

or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION III

EDUCATION

Sec. 9. DEPARTMENT OF EDUCATION. After applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notices of appropriation transfer from the department of management dated December 15, 2009, and December 23, 2009, there is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. STATE LIBRARY — ENRICH IOWA PROGRAM

For the enrich Iowa program established under section 256.57, in 2009 Iowa Acts, chapter 177, section 6, subsection 4, paragraph "b":

..... \$ 179,608

2. IOWA EMPOWERMENT FUND — PRESCHOOL TUITION ASSISTANCE

For deposit in the school ready children grants account of the Iowa empowerment fund created in section 28.9, in 2009 Iowa Acts, chapter 177, section 6, subsection 11, paragraph "a":

..... \$ 877,215

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. For the purposes of section 28.8, subsection 5, and section 256I.9, subsection 4, paragraph "e", as enacted by 2010 Iowa Acts, Senate File 2088, section 286, or any other provision of law addressing the percentage of school ready children grant money that can be carried forward to the succeeding fiscal year without a reduction to subsequent grant funding, the amount of school ready children grant moneys distributed to a local area board pursuant to this subsection that are carried forward by the board to the succeeding fiscal year shall be disregarded.

3. FOUR-YEAR-OLD PRESCHOOL PROGRAM

For allocation to eligible school districts for the

four-year-old preschool program under chapter 256C, in 2009 Iowa Acts, chapter 177, section 6, subsection 14:  
..... \$ 1,194,569

4. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide moneys for costs of providing textbooks to each resident pupil who attends a nonpublic school as authorized by section 301.1, in 2009 Iowa Acts, chapter 177, section 6, subsection 15:  
..... \$ 62,563

5. CORE CURRICULUM AND CAREER INFORMATION AND DECISION-MAKING SYSTEM

For purposes of implementing the statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system in 2009 Iowa Acts, chapter 177, section 6, subsection 17:  
..... \$ 197,954

6. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

For purposes of the student achievement and teacher quality program established pursuant to chapter 284, in 2009 Iowa Acts, chapter 177, section 6, subsection 18:  
..... \$ 892,428

7. COMMUNITY COLLEGES

For general state financial aid to merged areas as defined in section 260C.2 in accordance with chapters 258 and 260C, in 2009 Iowa Acts, chapter 177, section 6, subsection 19:  
..... \$ 5,943,581

The appropriation made in this subsection shall be allocated to the merged areas in the same proportion as the allocations made to the merged areas in accordance with 2009 Iowa Acts, chapter 177, section 6, subsection 19, bear to the amount appropriated.

8. PROGRAMS FOR AT-RISK CHILDREN

For programs for at-risk children in section 279.51, as limited by 2009 Iowa Acts, chapter 179, section 4, subsection 9:  
..... \$ 1,149,389

9. K-12 MANAGEMENT INFORMATION SYSTEM

For the kindergarten to grade twelve management information system in 2009 Iowa Acts, chapter 179, section 156, subsection 3, paragraph "b":  
..... \$ 23,000

10. IOWA SENIOR YEAR PLUS PROGRAM

For purposes of implementing the senior year plus program established pursuant to section 261E.1, in 2008 Iowa Acts,

chapter 1181, section 5, subsection 17:

..... \$ 140,556

Sec. 10. STATE BOARD OF REGENTS. After applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. STATE UNIVERSITY OF IOWA

For the general university, including lakeside laboratory in 2009 Iowa Acts, chapter 177, section 10, subsection 2, paragraph "a":

..... \$ 14,371,621

2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

For the general university in 2009 Iowa Acts, chapter 177, section 10, subsection 3, paragraph "a":

..... \$ 10,839,521

3. UNIVERSITY OF NORTHERN IOWA

For the general university in 2009 Iowa Acts, chapter 177, section 10, subsection 4, paragraph "a":

..... \$ 5,227,665

4. STATE SCHOOL FOR THE DEAF

For the state school for the deaf in 2009 Iowa Acts, chapter 177, section 10, subsection 5:

..... \$ 583,902

5. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For the Iowa braille and sight saving school in 2009 Iowa Acts, chapter 177, section 10, subsection 6:

..... \$ 337,791

Sec. 11. NONREVERSION. Notwithstanding section 8.33, moneys appropriated in this division of this Act to the department of education for community colleges and to the state board of regents for institutions under the control of the board that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION IV  
GENERAL ASSEMBLY AND MISCELLANEOUS

Sec. 12. 2009 Iowa Acts, chapter 179, section 3, subsection 1, is amended to read as follows:

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are reduced by the following amount:

..... \$ ~~4,439,653~~  
7,780,064

Sec. 13. 2009 Iowa Acts, chapter 181, section 10, subsection 5, is amended to read as follows:

5. STATE-FEDERAL RELATIONS

For salaries, support, maintenance, and miscellaneous purposes for the office for state-federal relations, and for not more than the following full-time equivalent positions:

..... \$ 46,620  
..... FTEs ~~1.00~~  
2.00

TRANSFERS

Sec. 14. COLLEGE STUDENT AID COMMISSION.

1. Notwithstanding section 261.20, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts are transferred for distribution to appropriations as provided in subsection 2:

a. From the scholarship and tuition grant reserve fund created in section 261.20:

..... \$ 514,180

b. From moneys from the tuition grant program, not-for-profit, that would otherwise be deposited in the scholarship and tuition grant reserve fund:

..... \$ 228,490

2. The moneys transferred pursuant to subsection 1 are distributed after applying the reductions made pursuant to executive order number 19 issued October 8, 2009, as follows:

a. For the Iowa national guard educational assistance program appropriation made in 2009 Iowa Acts, chapter 177, section 2, subsection 4:

..... \$ 241,120

b. For the all Iowa opportunity scholarship program appropriation made in 2009 Iowa Acts, chapter 177, section 2, subsection 6:

..... \$ 250,254

c. For the vocational-technical tuition grants appropriation made in section 261.25, subsection 3:

..... \$ 251,296

Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS. There is transferred from the Medicaid fraud account created in section 249A.7 under the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, after applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the following appropriation:

For the investigations division of the department of inspections and appeals in 2009 Iowa Acts, chapter 181, section 13, subsection 3:

..... \$ 747,037

Sec. 16. EFFECTIVE DATE — APPLICABILITY. This section of this division of this Act providing for transfers involving the college student aid commission and the department of inspections and appeals are retroactively applicable to December 14, 2009, and apply in lieu of the transfers made for the same purposes by the executive branch, as reported by the department of management in the transfer notices dated December 14, 2009.

DIVISION V  
HEALTH

Sec. 17. DEPARTMENT OF PUBLIC HEALTH. After applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriations made for the following designated purposes, and any transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to supplement the appropriations made for the following designated purposes:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, in 2009 Iowa Acts, chapter 182, section 2, subsection 1:

..... \$ 2,627,532

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families, in 2009 Iowa Acts, chapter 182, section 2, subsection 2:

..... \$ 329,267

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs in 2009 Iowa Acts, chapter 182, section 2, subsection 3:

..... \$ 321,643

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level in 2009 Iowa Acts, chapter 182, section 2, subsection 4:

..... \$ 23,000

5. ELDERLY WELLNESS

For promotion of healthy aging and optimization of the health of older adults in 2009 Iowa Acts, chapter 182, section 2, subsection 5:

..... \$ 834,578

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, in 2009 Iowa Acts, chapter 182, section 2, subsection 6:

..... \$ 65,598

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, in 2009 Iowa Acts, chapter 182, section 2, subsection 7:

..... \$ 138,372

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, in 2009 Iowa Acts, chapter 182, section 2, subsection 8:

..... \$ 23,248

9. CENTER FOR CONGENITAL AND INHERITED DISORDERS CENTRAL REGISTRY

For the center for congenital and inherited disorders central registry to supplement the amount appropriated pursuant to section 144.13A, subsection 4, paragraph "a":

..... \$ 20,684

DIVISION VI

HUMAN SERVICES

Sec. 18. DEPARTMENT OF HUMAN SERVICES — STATE CASES. After

applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriation made for the following designated purposes, there is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to supplement the appropriation made for the following designated purposes:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440, in 2009 Iowa Acts, chapter 182, section 24, subsection 1:

..... \$ 100,163

Sec. 19. 2009 Iowa Acts, chapter 182, section 19, is amended to read as follows:

SEC. 19. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to be allocated as follows:

1. For funding of core department of human services' juvenile delinquent graduated sanction services and to replace a reduction in state funding of such services made pursuant to executive order number 19 issued October 8, 2009:

..... \$ 1,000,000

2. The remainder for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2008. Moneys ~~appropriated~~ allocated for distribution in accordance with this ~~section~~ subsection shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2008. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2009, shall be limited to the amount ~~appropriated~~ allocated for the purposes of this ~~section~~ subsection.

Notwithstanding section 232.188, or any other provision of law to the contrary, the first \$1,000,000 of moneys designated

for decategorization funding projects for the fiscal year beginning July 1, 2008, remaining unencumbered or unobligated at the close of the fiscal year shall not be used as carryover funding but shall instead be transferred to the juvenile detention home fund and shall be allocated to county and multicounty juvenile detention homes to restore the amount diverted pursuant to subsection 1.

DIVISION VII  
HUMAN SERVICES NURSING  
FACILITY REIMBURSEMENT

Sec. 20. 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33, as amended by 2009 Iowa Acts, chapter 182, section 33, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Pay-for-performance payments shall not be made under this subsection until such time as sufficient funding is available to implement the subsection, as determined by the director of the department of human services.

Sec. 21. NURSING FACILITY REIMBURSEMENT AND PAYMENT PROCEDURES. Notwithstanding the administrative rule changes made by the department of human services pursuant to executive order number 19 issued October 8, 2009, relating to nursing facility payment procedures, the department shall reinstitute or adopt administrative rules to provide for all of the following:

1. For purposes of computation of administrative, environmental, and property expenses, for nonstate owned nursing facilities, patient days shall be inpatient days as determined by 441 IAC 81.6(7), or 85 percent of the licensed capacity of the facility, whichever is greater.

2. For purposes of calculation of the capital cost per diem instant relief add-on pursuant to 441 IAC 81.6(16)(h)(9) the total patient days shall be determined using the most current submitted financial and statistical report or using the estimated total patient days as reported in the request for the add-on. For purposes of calculating the add-on, total patient days shall be the greater of the estimated annual total patient days or 85 percent of the facility's estimated licensed capacity.

3. For purposes of reconciliation of the capital cost per diem instant relief add-on pursuant to 441 IAC 81.6(16)(h)(12), for purposes of recalculating the capital cost per diem instant relief add-on, total patient days shall be based on the greater

of the number of actual patient days during the period in which the add-on was paid or 85 percent of the facility's actual licensed bed capacity during the period in which the add-on was paid.

4. For purposes of periods authorized for payment pursuant to 441 IAC 81.10(4), a facility shall hold or reserve a bed for periods the resident is absent overnight for purposes of hospitalization or prescribed therapeutic leave, not to exceed 18 calendar days in any calendar year for prescribed therapeutic leave and not to exceed 10 days in any calendar month due to hospitalization. Beginning December 1, 2009, payment shall not be authorized for reserve or bed hold days and the facility shall no longer count nonpaid reserve or bed hold days in calculating inpatient days for payment at new rates. A medical assistance program payment to the facility shall not be initiated while a resident is on reserve bed days due to hospitalization unless the person was residing in the facility as a private pay resident prior to the hospitalization and returns to the facility as a medical assistance program recipient resident.

Sec. 22. DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created pursuant to section 249L.4, to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, no more than the following amount or so much thereof as is necessary to supplement the appropriations made for the following designated purposes:

To supplement the appropriation made for medical assistance in 2009 Iowa Acts, chapter 182, section 9, to be used for nursing facility reimbursement under the medical assistance program, in accordance with 2009 Iowa Acts, chapter 182, section 32, subsection 1, paragraph "a", and this division of this Act, and to institute the administrative rules changes as directed in this division of this Act:

..... \$ 2,300,000

The department shall determine the amount of the 5 percent reduction that can be restored, up to 2 percent, within the amount of funds available in the trust fund during the fiscal period specified, and shall adjust rates accordingly.

Sec. 23. CONTINGENT IMPLEMENTATION — NOTIFICATION.

1. Implementation of this division of this Act is contingent upon the department of human services receiving approval of the

waivers and the medical assistance state plan amendment by the centers for Medicare and Medicaid services of the United States department of health and human services relating to the quality assurance assessment created in chapter 249L. The department of human services shall notify the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs upon receipt of such approval.

2. The costs associated with implementation of this Act shall be funded exclusively through moneys appropriated from the quality assurance trust fund, and shall result in budget neutrality to the general fund of the state for the fiscal year beginning July 1, 2009, and ending June 30, 2010.

DIVISION VIII

INFRASTRUCTURE APPROPRIATIONS

Sec. 24. 2007 Iowa Acts, chapter 219, section 1, subsection 3, paragraph d, is amended to read as follows:

d. For the lease payment under the lease-purchase agreement to connect the electrical system supporting the special needs unit at Fort Madison:

..... \$ 333,168  
305,404

Sec. 25. 2007 Iowa Acts, chapter 219, section 1, subsection 7, is amended to read as follows:

7. DEPARTMENT OF HUMAN SERVICES

For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K, as enacted in this Act:

..... \$ 1,000,000  
200,000

Sec. 26. 2008 Iowa Acts, chapter 1179, section 1, subsection 1, paragraph d, is amended to read as follows:

d. For costs associated with developing the request for proposals necessary for the procurement and implementation of a human resources module associated with the integrated information for Iowa system, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 200,000  
0

Sec. 27. 2008 Iowa Acts, chapter 1179, section 1, subsection 3, paragraph c, is amended to read as follows:

c. For a study related to the fifth judicial district department of correctional services, notwithstanding section

8.57, subsection 6, paragraph "c":

..... \$ ~~200,000~~  
96,654

Sec. 28. 2008 Iowa Acts, chapter 1179, section 1, subsection 4, paragraph d, is amended to read as follows:

d. For repairs to the historic Kimball organ located in Clermont, Iowa, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ ~~80,000~~  
55,000

Sec. 29. 2008 Iowa Acts, chapter 1179, section 1, subsection 7, paragraphs a and b, are amended to read as follows:

a. For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

..... \$ ~~600,000~~  
0

b. For a study of ways to enhance access to health insurance by registered child development home providers in accordance with this section, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ ~~50,000~~  
0

Sec. 30. 2008 Iowa Acts, chapter 1179, section 1, subsection 9, paragraph c, is amended to read as follows:

c. For a grant to a city with a population of more than 30,500 but less than 31,500, according to the 2006 estimate issued by the United States bureau of the census, notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ ~~150,000~~  
135,000

Sec. 31. 2009 Iowa Acts, chapter 179, section 10, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Of the amount appropriated in this section, \$883,628 shall be used for storm damage repair at the state training school in Eldora. Notwithstanding section 8.33, moneys allocated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 32. 2009 Iowa Acts, chapter 184, section 5, is amended to read as follows:

SEC. 5. Notwithstanding the amount of the standing appropriation from the rebuild Iowa infrastructure fund

as provided in section 15G.110, subsection 2, there is appropriated from the rebuild Iowa infrastructure fund to the department of economic development for deposit into the grow Iowa values fund, in lieu of the appropriation made in section 15G.110, subsection 2, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, notwithstanding section 8.57, subsection 6, paragraph "c":

.....	\$ <del>45,000,000</del>
	<u>23,000,000</u>

Sec. 33. 2009 Iowa Acts, chapter 184, section 7, is amended to read as follows:

SEC. 7. REDUCTION OF THE GROW IOWA VALUES FUND APPROPRIATION TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT. In lieu of the fifty million dollars appropriated for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from the grow Iowa values fund to the department of economic development pursuant to section 15G.111, subsection 3, if enacted by 2009 Iowa Acts, Senate File 344, section 2, there is appropriated from the grow Iowa values fund to the department of economic development for the fiscal year beginning July 1, 2009, and ending June 30, 2010, ~~forty-five~~ twenty-three million dollars for purposes of making expenditures pursuant to chapter 15G.

Sec. 34. 2009 Iowa Acts, chapter 184, section 8, unnumbered paragraph 1, is amended to read as follows:

In lieu of the amounts allocated pursuant to section 15G.111, subsections 4 through 10, if enacted by 2009 Iowa Acts, Senate File 344, section 2, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, of the ~~forty-five~~ twenty-three million dollars appropriated to the department of economic development pursuant to this division of this Act, the department shall allocate the following amounts for the following purposes as described in section 15G.111, subsections 4 through 10, if enacted by 2009 Iowa Acts, Senate File 344, section 2:

Sec. 35. 2009 Iowa Acts, chapter 184, section 8, subsection 1, is amended to read as follows:

1. For departmental purposes, ~~twenty-eight~~ six million eight hundred thousand dollars. Of the moneys allocated pursuant to this subsection and in lieu of the two million dollars allocated for deposit in the renewable fuel infrastructure fund under section 15G.111, subsection 4, paragraph "h", if enacted by 2009 Iowa Acts, Senate File 344, section 2, the department shall allocate one million eight hundred thousand dollars for deposit in the renewable fuel infrastructure fund.

DIVISION IX  
EFFECTIVE DATE

Sec. 36. EFFECTIVE UPON ENACTMENT. Unless provided otherwise, this Act, being deemed of immediate importance, takes effect upon enactment.

  
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JOHN P. KIBBIE  
President of the Senate

  
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PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2366, Eighty-third General Assembly.

  
\_\_\_\_\_  
MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 15<sup>th</sup>, 2010

  
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CHESTER J. CULVER  
Governor